

### REMARKS

Upon entry of the above amendments, this application will contain claims 1-14, 16-19, and 21-23 pending and under consideration. The application was originally filed with claims 1-28. In the present submission, claims 15, 20, and 24-28 have been canceled. Claims 1, 16, 19, and 21-23 have been amended. For the reasons discussed more fully below it is believed that the claimed invention is patentable over the cited art. Therefore withdrawal of all rejections leading to allowance of the application is requested.

#### Rejections Under 35 USC §112

Claims 13 and 16 were rejected under 35 USC §112, second paragraph as indefinite. Specifically it was alleged in claim 13 the phrase reciting that the cells were located partly within the channel and partly above the channel was indefinite and that the term “profile” was not defined in the specification. The Applicants maintain that the claims as filed are sufficiently clear. The basis or support for claim 13 can be found in the application (WO 00/47716) on page 3, lines 3-17. Claim 13 is directed to the situation where the cells can locate partly within the channel and partly above the “profile” of the fiber. By use of the term “profile” it is intended to mean the cross-section of the fiber. It is believed that claim 13 is sufficiently definite and withdrawal of the rejection is requested.

With regard to the ‘112 rejection against claim 16, claim 16 has been amended to recite that the fibres are of differing compositions and are layered. Support for this amendment can be found in the application on page 7, lines 1-9. It is believed that this amendment does not add new matter and that this amendment overcomes the rejection. Withdrawal of the rejection is requested.

#### Rejections Under 35 USC §102

Claims 1-13, 15, and 18 were rejected under 35 USC §102(b) over Curtis et al. (WO 95/22305, “Curtis”).<sup>1</sup> Claim 1 has been amended by reciting that the fibres comprise a biodegradable polymer selected from alginic acid salts, carboxymethylcellulose, methoxypectin,

---

<sup>1</sup> Claim 15 has been canceled. Therefore the rejection of this claim is moot.

chitosan, chitosan derivatives and hyaluronic acid, and combinations for such polymers. Support for this amendment can be found in the application on page 5 lines 17-20. Curtis does not disclose the use of these compositions. Therefore it believed that the amendment overcomes the rejection.

Claims 1-6, 8-13, 15, and 18 were rejected under 35 USC §102(b) over JP 04-322657, "Fukuda".<sup>1</sup> Fukuda, similar to Curtis, does not disclose or suggest use of the fiber composition currently recited in claim 1. Therefore, it is believed that this rejection is over come.

Claims 1-6, 8-11, 15, and 18 were rejected under 35 USC §102(b) over JP 04-262780, "Odakawa".<sup>1</sup> Odakawa, similar to Curtis and Fukuda, does not disclose or suggest the fiber compositions recited in claim 1. It is believed that this rejection is also overcome.

In light of the above comments, withdrawal of the rejections under §102 of independent claim 1 and claims 2-13, and 18, which depend from claim 1, is requested.

#### Rejections Under §103

Claims 1-18 were rejected under 35 USC 103(a) over Curtis in view of Strathclyde (EP 419234, "Strathclyde"). Curtis has been discussed above and does not disclose or suggest that use of the fiber compositions currently recited in claim 1. Strathclyde does not make up for the deficiencies of Curtis. Strathclyde only discloses that fibers can be composed of polysulphone or polypropylene. (Strathclyde, col. 3, lines 34-46.)

Since the cited references do not disclose or suggest the fiber compositions presently claimed in independent claim 1 it is believed that claim 1 and claims 1-14, 16-18 are patentable distinct over the references. Withdrawal of all rejections is requested.

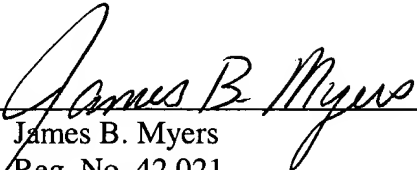
#### Conclusion

In view of the foregoing remarks, the Applicants respectfully submit that the cited references, either singly, or in combination, do not disclose or make obvious the claimed invention. Accordingly, reconsideration leading to withdraw of all the rejections under 35 USC §§112, 102 and 103 and passage of this application containing claims 1-14, 16-19, and 21-23 are respectfully requested. Additionally, the Examiner is invited to telephone the undersigned

attorney if there are any questions about this submission or other matters, which may be addressed in that fashion.

Respectfully submitted,

By: \_\_\_\_\_

  
James B. Myers  
Reg. No. 42,021  
Woodard, Emhardt, Moriarty  
McNett & Henry, LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-345